

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEREMY LEVIN and DR. LUCILLE LEVIN,

Plaintiffs,

09 Civ. 5900 (RPP) (MHD)

v.

BANK OF NEW YORK, JPMORGAN CHASE,  
SOCIÉTÉ GÉNÉRALE and CITIBANK,

Defendants.

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THE BANK OF NEW YORK MELLON,

Third-Party Plaintiff,

v.

HSBC BANK USA, N.A., et al.,

Third-Party Defendants.

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**ANSWER OF HSBC BANK USA, N.A. TO ADDITIONAL  
AMENDED AND SUPPLEMENTAL THIRD-PARTY  
COMPLAINT OF THE BANK OF NEW YORK MELLON**

Third-party defendant HSBC Bank USA, N.A. (“HSBC”), by its attorneys, Phillips Lytle LLP, states as follows for its answer to the additional amended and supplemental third-party complaint (“third-party complaint”) of The Bank of New York Mellon (“BNY Mellon”):

1. In answer to paragraph 1 of the third-party complaint, admits that BNY Mellon has filed the third-party complaint as alleged, and lacks knowledge or information sufficient to form a belief as to the remaining allegations of such paragraph.

2. In answer to paragraph 2 of the third-party complaint, admits that BNY Mellon has filed the third-party complaint as alleged, and lacks knowledge or information sufficient to form a belief as to the remaining allegations of such paragraph.

3. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the third-party complaint.

4. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the third-party complaint.

5. Having been served with a copy of the third-party complaint in which paragraph 5 is redacted, HSBC is unable to respond to this paragraph.

6. Having been served with a copy of the third-party complaint in which paragraph 6 is redacted, HSBC is unable to respond to this paragraph.

7. Having been served with a copy of the third-party complaint in which paragraph 7 is redacted, HSBC is unable to respond to this paragraph.

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66. Having been served with a copy of the third-party complaint in which paragraph 66 is redacted, HSBC is unable to respond to this paragraph.

67. Having been served with a copy of the third-party complaint in which paragraph 67 is redacted, HSBC is unable to respond to this paragraph.

68. HSBC admits the allegations in paragraph 68 of the third-party complaint.

69. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 69 of the third-party complaint.

70. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 70 of the third-party complaint.

71. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 of the third-party complaint.

72. In answer to paragraph 72 of the third-party complaint, HSBC admits that this Court has subject jurisdiction over this proceeding.

73. In answer to paragraph 73 of the third-party complaint, HSBC admits that venue of this proceeding is properly set in this judicial district.

74. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 74 of the third-party complaint.

75. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 75 of the third-party complaint.

76. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76 of the third-party complaint.

77. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 of the third-party complaint.

78. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 78 of the third-party complaint.

79. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 of the third-party complaint.



80. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80 of the third-party complaint.

81. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 of the third-party complaint.

82. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 of the third-party complaint.

83. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 of the third-party complaint.

84. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 84 of the third-party complaint.

85. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85 of the third-party complaint.

86. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 86 of the third-party complaint.

87. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 87 of the third-party complaint.

88. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 88 of the third-party complaint.

89. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 of the third-party complaint.

90. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90 of the third-party complaint.

91. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 91 of the third-party complaint.

92. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 92 of the third-party complaint.

93. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 93 of the third-party complaint.

94. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94 of the third-party complaint.

95. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95 of the third-party complaint.

96. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the third-party complaint.

97. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 of the third-party complaint.

98. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98 of the third-party complaint.

99. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 99 of the third-party complaint.

100. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 100 of the third-party complaint.

101. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 101 of the third-party complaint, except admits that HSBC

was an intended party to the wire transfers referenced in Exhibit G to the copy of the third-party complaint served upon it (the “subject wire transfers”).

102. In answer to paragraph 102 of the third-party complaint, HSBC states that it makes no claim to the funds involved in the subject wire transfers and that it otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in such paragraph.

103. In answer to paragraph 103 of the third-party complaint, HSBC states that it makes no claim to the funds involved in the subject wire transfers and that it otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in such paragraph.

**AS TO THE FIRST CLAIM FOR RELIEF**

104. In answer to paragraph 104 of the third-party complaint, HSBC respectfully repeats and realleges its responses to the paragraphs referenced therein.

105. In answer to paragraph 105 of the third-party complaint, HSBC admits that CPLR 5239 so provides.

106. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106 of the third-party complaint.

**AS TO THE SECOND CLAIM FOR RELIEF**

107. In answer to paragraph 107 of the third-party complaint, HSBC respectfully repeats and realleges its responses to the paragraphs referenced therein.

108. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 108 of the third-party complaint.

109. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 109 of the third-party complaint.

110. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 110 of the third-party complaint.

**AS TO THE THIRD CLAIM FOR RELIEF**

111. In answer to paragraph 111 of the third-party complaint, HSBC respectfully repeats and realleges its responses to the paragraphs referenced therein.

112. HSBC lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 112 of the third-party complaint.

WHEREFORE, HSBC Bank USA, N.A. demands judgment dismissing the additional amended and supplemental third-party complaint of The Bank of New York Mellon as against it, and awarding it the costs and disbursements of this proceeding.

DATED: December 21, 2011

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